

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff

v.

MARTHA REYES,

Defendant.

Case No. 08 CV 01071 (TPG)

PLAINTIFF'S MOTION TO
ADMIT DAVID M. KIGHT, ESQ.
AND CHAD C. BEAVER, ESQ.
PRO HAC VICE

TO: Martha Reyes
125 West 109th Street
New York, NY 10025

PLEASE TAKE NOTICE that pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Adorno & Yoss LLP (by David H. Ganz, Esq., a member in good standing of the Bar of this Court), counsel for plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block"), shall move this Court for an Order allowing the admission *pro hac vice* of David M. Kight and Chad C. Beaver, attorneys with the law firm of Spencer Fane Britt & Browne, LLP, with their offices at 1000 Walnut Street, Suite 1400, Kansas City, Missouri 64106, (816) 474-8100 (telephone), (816) 474-3216 (facsimile), and Messrs. Kight and Beaver being members in good standing of the Bar of the States of Missouri and Kansas, and there being no pending disciplinary proceedings against Messrs. Kight or Beaver in any State or Federal court, to argue or try this case in whole or in part as counsel for H&R Block.

PLEASE TAKE FURTHER NOTICE that in support of its motion, H&R Block shall rely upon the annexed affidavits of David M. Kight and Chad C. Beaver in support of this motion and

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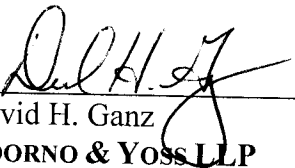
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the Certificates of Good Standing annexed thereto, as well as the Affidavit of David H. Ganz in Support of Plaintiff's Motion to Admit Counsel Pro Hac Vice.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order Admitting Counsel *Pro Hac Vice* on Written Motion is annexed hereto.

Dated: February 14, 2008
New York, New York

Respectfully submitted,



David H. Ganz
ADORNO & YOSS LLP
1040 Avenue of the Americas
Suite 1101
New York, New York 10018
(973) 256-9000 Telephone
(973) 256-9001 Facsimile

David M. Kight - *pro hac vice pending*
Chad C. Beaver – *pro hac vice pending*
Spencer Fane Britt & Browne LLP
1000 Walnut – Suite 1400
Kansas City, Missouri 64106
(816) 474-8100 Telephone
(816) 474-3216 Facsimile
dkight@spencerfane.com
cbeaver@spencerfane.com

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff

v.

MARTHA REYES,

Defendant.

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Case No. 08 CV 01071 (TPG)

**AFFIDAVIT OF DAVID H. GANZ
IN SUPPORT OF PLAINTIFF'S MOTION
TO ADMIT COUNSEL *PRO HAC VICE***

DAVID H. GANZ, being duly sworn, hereby deposes and says:

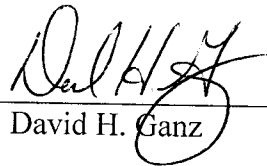
1. I am a partner at Adorno & Yoss LLP, attorneys for plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block"). I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of H&R Block's motion to admit David Kight and Chad Beaver as counsel *pro hac vice* to represent plaintiff in this matter.

2. I am a member in good standing of the bars of several states, including the Bar of the State of New York, and was admitted to practice law in New York on March 28, 1990. I was admitted to practice in the United States District Court for the Southern District of New York on May 28, 1991, and am in good standing with this Court.

3. I have known David Kight, who is a partner at Spencer Fane Britt & Browne, LLP in Kansas City, Missouri, for more than two years and have found him to be a skilled attorney and person of integrity. He is experienced in litigating cases against former H&R Block employees for, among other things, violations of their tax preparer agreements, is experienced in federal practice, and is familiar with the Federal Rules of Civil Procedure.

4. I know Chad Beaver, who is an associate at Spencer Fane Britt & Browne, LLP in Kansas City, Missouri, in connection with this particular litigation and have also found him to be a skilled attorney and person of integrity. I believe Mr. Beaver is also experienced in litigating cases against former H&R Block employees for, among other things, violations of their tax preparer agreements, is experienced with federal practice and like Mr. Kight, is familiar with the Federal Rules of Civil Procedure.

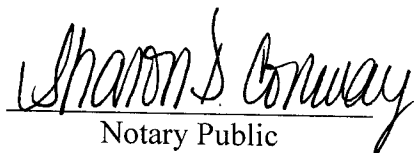
5. Accordingly, I am pleased to move the admission of David Kight and Chad Beaver pro hac vice.



David H. Ganz

Adorno & Yoss LLP
1040 Avenue of the Americas
Suite 1101
New York, New York 10018
(973) 256-9000 Telephone
(973) 256-9001 Facsimile

Sworn to before me this
14th day of February, 2008.


Notary Public

SHARON D. CONWAY
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 5/4/2010

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff

v.

MARTHA REYES,

Defendant.

No. 08-CV-01071 (TPG) (JCF)

**AFFIDAVIT OF DAVID M.
KIGHT IN SUPPORT OF
PLAINTIFF'S MOTION TO
ADMIT COUNSEL *PRO*
*HAC VICE***

David M. Kight, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Spencer Fane Britt & Browne LLP and have my principal law office at 1000 Walnut Street, Suite 1400, Kansas City, Missouri, 64106.

2. I submit this affidavit in support of the motion of plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block") to have Chad C. Beaver, Esq. and me admitted *pro hac vice* in this matter to represent H&R Block, for whom I am regular outside counsel.

3. As shown in the Certificates of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of Missouri and the Bar of the State of Kansas.

4. There are no pending disciplinary proceedings against me in any State or Federal court.

5. Wherefore, I respectfully submit that I be permitted to appear as counsel and advocate *pro hac vice* in this case.


David M. Kight

Spencer Fane Britt & Browne LLP
1000 Walnut – Suite 1400
Kansas City, Missouri 64106
(816) 292-8303 Telephone
(816) 474-3216 Facsimile
dkight@spencerfane.com

State of Missouri)
) ss.
County of Jackson)

On this 11th day of February, 2008, before the undersigned, a notary public in and for this county and state, personally appeared David M. Kight who is known to me to be the same person who executed the above and foregoing document and acknowledged the execution of same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on the date and year above written.


Notary Public

My Commission Expires:

3/2/2010

DEIDRE C. MIDDLETON
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: **March 2, 2010**
Commission # **00047470**

The Supreme Court of Kansas



Certificate of Good Standing

I, **Carol G. Green**, Clerk of the Supreme Court of the State of Kansas, do hereby certify that the Supreme Court of Kansas is the highest court of law, and the court of last resort within the State of Kansas, and has exclusive jurisdiction over and control of the admission of applicants to the bar of this state.

I do further certify that on September 26, 1997,

DAVID MICHAEL KIGHT

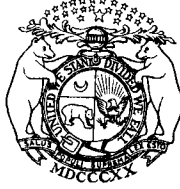
was duly admitted to practice as an attorney and counselor of the Supreme Court and all other courts of the State of Kansas and is, on the date indicated below, a member in good standing of the Kansas Bar.

ACTIVE STATUS

Witness my hand and the seal of the Supreme Court, hereto affixed at my office in Topeka, Kansas, this 31ST day of January, 2008.

Carol G. Green
Clerk of the Supreme Court of Kansas

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Thomas F. Simon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on April 18, 2001,

David Michael Kight

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 7th day of February, 2008.

A handwritten signature in black ink, appearing to read "Thomas F. Simon", is written over a horizontal line.

Clerk of the Supreme Court of Missouri

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN)	
ENTERPRISES, INC.,)	
)	No. 08-CV-01071 (TPG) (JCF)
Plaintiff)	
)	
v.)	AFFIDAVIT OF CHAD C.
)	BEAVER IN SUPPORT OF
MARTHA REYES,)	PLAINTIFF'S MOTION TO
)	ADMIT COUNSEL <i>PRO</i>
Defendant.)	<i>HAC VICE</i>

Chad C. Beaver, being duly sworn, hereby deposes and says as follows:

1. I am an associate with the law firm of Spencer Fane Britt & Browne LLP and have my principal law office at 1000 Walnut Street, Suite 1400, Kansas City, Missouri, 64106.

2. I submit this affidavit in support of the motion of plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block") to have David M. Kight, Esq. and me admitted *pro hac vice* in this matter to represent H&R Block, for whom I am regular outside counsel.

3. As shown in the Certificates of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of Missouri and the Bar of the State of Kansas.

4. There are no pending disciplinary proceedings against me in any State or Federal court.

5. Wherefore, I respectfully submit that I be permitted to appear as counsel and advocate *pro hac vice* in this case.


Chad C. Beaver

Spencer Fane Britt & Browne LLP
1000 Walnut – Suite 1400
Kansas City, Missouri 64106
(816) 292-8107 Telephone
(816) 474-3216 Facsimile
cbeaver@spencerfane.com

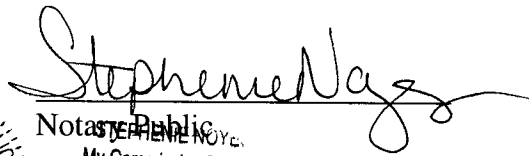
State of Missouri)
) ss.
County of Jackson)

On this ___ day of February, 2008, before the undersigned, a notary public in and for this county and state, personally appeared Chad C. Beaver who is known to me to be the same person who executed the above and foregoing document and acknowledged the execution of same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on the date and year above written.

My Commission Expires:




Notary Public
My Commission Expires
December 5, 2008
Platte County
Commission #04644816

The Supreme Court of Kansas



Certificate of Good Standing

I, **Carol G. Green**, Clerk of the Supreme Court of the State of Kansas, do hereby certify that the Supreme Court of Kansas is the highest court of law, and the court of last resort within the State of Kansas, and has exclusive jurisdiction over and control of the admission of applicants to the bar of this state.

I do further certify that on September 26, 2003,

CHAD CHRISTIAN BEAVER

was duly admitted to practice as an attorney and counselor of the Supreme Court and all other courts of the State of Kansas and is, on the date indicated below, a member in good standing of the Kansas Bar.

ACTIVE STATUS

Witness my hand and the seal of the Supreme Court, hereto affixed at my office in Topeka, Kansas, this 31ST day of January, 2008.

Carol G. Green
Clerk of the Supreme Court of Kansas

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Thomas F. Simon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on September 18, 2002,

Chad Christian Beaver

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 7th day of February, 2008.

A handwritten signature in black ink, appearing to read "Thomas F. Simon", written over a horizontal line.

Clerk of the Supreme Court of Missouri

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

**H & R BLOCK EASTERN
ENTERPRISES, INC.,**

Plaintiff

v.

MARTHA REYES,

Defendant.

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Case No. 08-CV-01070 (TPG)

**ORDER ADMITTING COUNSEL
PRO HAC VICE ON WRITTEN
MOTION**

Upon the motion of sponsoring attorney David H. Ganz, Esq. of Adorno & Yoss LLP, attorneys for plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block"), and said sponsor attorney's affidavit in support thereof,

IT IS THIS _____ day of February, 2008,

ORDERED that H&R Block's motion to have David Kight, Esq. and Chad Beaver, Esq. admitted pro hac vice in this matter be and hereby is granted; and it is further

ORDERED that David Kight, Esq. and Chad Beaver, Esq., of the law firm of Spencer Fane Britt & Browne LLP, 1000 Walnut – Suite 1400, Kansas City, Missouri 64106, (816) 474-8100 (telephone), (816) 474-3216 (facsimile), dkight@spencerfane.com and cbeaver@spencerfane.com are admitted to practice pro hac vice as counsel for plaintiff H&R Block in the above-captioned case in the United States District Court for the Southern District of New York; and it is further

ORDERED that David Kight, Esq. and Chad Beaver, Esq. are subject to the Local Rules of this Court, including Rules governing discipline of attorneys; and it is further

ORDERED that if this action is assigned to the Electronic Case Filing system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov; and it is further

ORDERED that David Kight and Chad Beaver shall forward the pro hac vice fee to the Clerk of the Court.

United States District Judge

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff

v

MARTHA REYES,

Defendant.

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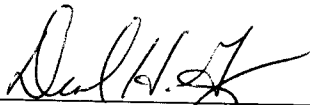
Case No. 08 CV 01071 (TPG)

CERTIFICATION OF SERVICE

DAVID H. GANZ, being duly sworn, hereby deposes and says:

1. I am an attorney at law admitted to practice before this Court, and I am a partner at Adorno & Yoss LLP, attorneys for plaintiff H&R Block Eastern Enterprises, Inc. ("H&R Block").
2. On February 14, 2008, I caused a true and correct copy of (i) Plaintiff's Motion to Admit David M. Kight, Esq. and Chad C. Beaver, Esq. *Pro Hac Vice*; (ii) Affidavit of David H. Ganz, Esq. In Support Of Plaintiff's Motion To Admit Counsel *Pro Hac Vice*; (iii) Affidavit of David M. Kight, Esq. In Support Of Plaintiff's Motion To Admit Counsel *Pro Hac Vice*; (iv) Affidavit of Chad C. Beaver, Esq. In Support Of Plaintiff's Motion To Admit Counsel *Pro Hac Vice*; (v) proposed Order Admitting Counsel *Pro Hac Vice* On Written Motion; and (vi) this Certification of Service to be served via first class mail on defendant Ms. Martha Reyes, Pro Se, 125 West 109th Street, New York, NY 10025.

Pursuant to 28 U.S.C. §1746, I certify under penalty of perjury that the foregoing is true and correct.



David H. Ganz

Adorno & Yoss LLP
1040 Avenue of the Americas
Suite 1101
New York, New York 10018
(973) 256-9000 Telephone
(973) 256-9001 Facsimile

Dated: February 14, 2008